

CENTRAL INTELLIGENCE AGENCY  
WASHINGTON, D.C. 20505

OLC 76-1692/b

22 JUN 1976

Honorable Hugh Scott  
United States Senate  
Washington, D.C. 20510

(IDENTICAL LETTER SENT SEN. MANSFIELD)

Dear Senator Scott:

In accordance with your letter of 10 June 1976, we have extended the period of the moratorium on the destruction of certain records which were the subject of your letter of 27 January 1975 in connection with S. Res. 21. The moratorium will expire on 10 December 1976.

In addition, before any such records are destroyed, we shall transmit to the Senate Select Committee on Intelligence copies of the record schedules which are submitted to the National Archives and Record Service for their approval prior to the destruction of any records. The same will be done with respect to those routine administrative records which, although not involved under S. Res. 21, were withheld from routine destruction during the life of that Resolution. I am confident that suitable arrangements can be made for review of documents before they are destroyed if this is the desire of the Select Committee.

It is hoped that these arrangements are fully responsive to the wishes of you and the Senate Select Committee on Intelligence as outlined to me in your letter of 9 June and Chairman Inouye's letter of 8 June to you.

Sincerely,

  
George Bush  
Director
cc: Chairman Daniel Inouye  
Distribution:

Original - Addressee

1 - DCI

1 - DDCI

1 - ER

1 - [redacted]

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OLC/GLC/LLM:baa (21 Jun 76)



STATINTL

Approved For Release 2002/08/15 : CIA-RDP86-00895R000100010043-6

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STATUS REPORT ON HSCA APPROVAL  
OF AGENCY RECORDS DESTRUCTION

1. Our 12 March 1978 letter to the HSCA informed Chairman Stokes of our plans to resume normal destruction of Agency records on 1 May 1978. This letter updated our commitment of 9 December 1976 to refrain from destroying any records until the HSCA had reviewed our records control schedules and had no objection. In the letter we stated that we would arrange at the end of March 1978 for delivery of our schedules and for a briefing of the Committee staff. In a letter dated 13 April 1978, Chairman Stokes stated that the Committee's investigation had not progressed to the point where it would be appropriate to approve the resumption of normal document destruction. He suggested that Professor Blakey, the Committee's Chief Counsel and Staff Director, sit with Agency representatives to work out a reasonable time frame.

2. Accordingly, on 19 April 1978, Professor Blakey met with the Assistant for Information, DDA, and representatives from the Records Administration Branch, ISAS, and the Offices of Legislative Counsel and General Counsel. Topics of discussion included the Agency's legal obligations, the problems of coping with our ever increasing holdings of disposable records, the impact on the Agency of responding to FOIA and PA requests related to disposable records including "questionable" file collections, the makeup of our records control schedules, and the Archivist's role in assuring

compliance with approved schedules. Professor Blakey demonstrated a considerate attitude towards our position and indicated that he would explore various possibilities with his superiors and possibly with the Archivist and Mr. Tagge, the NARS appraiser of Agency records. We have since learned informally that a member of the Committee staff has been in touch with Mr. Tagge.

3. This exchange of letters and meeting with Professor Blakey essentially mean that the moratorium on destruction of Agency records, originally imposed at the request of the Senate leadership in January 1975, continues despite SSCI Chairman Inouye's December 1977 lifting of the moratorium as far as the Senate is concerned. HSCA approval, if received today, would remove the last impediment to our destruction of disposable records. However, although Professor Blakey may see his way clear to approving the destruction of selected records, it seems quite possible that we will be unable to destroy any records until the Committee winds down in December 1978--especially since the Committee evidently is concerned primarily with how it would look if the media reported that we were destroying records in the midst of the Assassinations investigation.

4. Until we receive clearance to destroy records, we are faced with a threefold problem. First, our possession of any records approved for disposal by the Archivist is in violation of the Federal records statutes and regulations specifying that approved agency records control schedules are mandatory. Our situation with respect to this requirement may depend on the Committee's discussions with the Archivist. Second, our continued

possession of certain of our records, in particular our files on Americans, is in violation of the Privacy Act and Executive Order 12036. With respect to the Privacy Act we are subject to criminal sanctions for any failure to publish in the Federal Register, where required, our systems of records on individuals, and to civil penalties wherever an individual can demonstrate to the Courts that our maintenance of records has an adverse effect on the individual. With respect to the Executive Order, we are subject to administrative sanctions for noncompliance. Third, maintaining these records requires that we continue to search them in response to FOIA and PA requests, and furthermore, publishing them in the Federal Register may encourage further litigation under the two Acts. And of course there is always the possibility that other Congressional Committees will try to get in on the act before we are released by the HSCA.

*JD*  
20 APR 76

Dist: Orig - AI/DDA

1- OGC

1- RAB Files

1- RAB Change

STATINTL

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Executive Registry

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Select Committee on Assassinations

U.S. House of Representatives

3331 HOUSE OFFICE BUILDING, ANNEX 2

WASHINGTON, D.C. 20515

April 13, 1978

OGC 78-2429

4-17-78

*John copy*

Admiral Stansfield Turner  
Director of Central Intelligence  
Central Intelligence Agency  
Washington, D. C. 20505

Dear Admiral Turner:

This will acknowledge your letter of March 12, 1978, in reference to the moratorium on the destruction of Agency records, originally invoked by the Church Committee, but lifted by Chairman Inouye of the Senate Select Committee on Intelligence on December 21, 1977.

I have delayed in responding to your letter in the hope that it might be possible for the Committee to indicate that it has no objection to the resumption of the normal process of document destruction. Unfortunately, I cannot, at this time, give to the Agency an indication that the Committee's review of the Agency's files relevant to our investigation has progressed to the point where it would be no longer appropriate for the Committee to request that the normal document destruction process not resume. I am sure that you will agree with me that for the Agency to begin even normal document destruction could be, at this time, misconstrued by those concerned about the openness and thoroughness of the Committee's investigation. I make this observation without implying in any regard that the Agency has not been cooperative with the Committee.

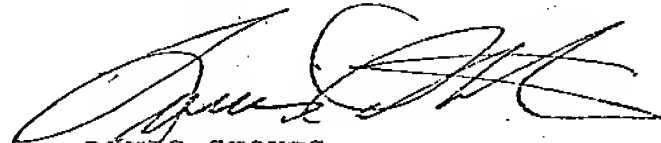
It might be helpful if Professor Blakey, the Chief Counsel and Staff Director of the Committee, were to sit with appropriate representatives of the Agency to work out a reasonable time frame within which the needs of the Committee - as well as appropriate appearances - can be met, consistent with the Agency's obligations under law. I am sure that Professor Blakey will be

Admiral Stansfield Turner  
April 13, 1978  
Page 2

available at any convenient time to work out, subject to Committee approval, a satisfactory arrangement. You may, of course, have the appropriate person in the Agency get in contact with him directly at 225-9381.

With kind regards, I am

Sincerely,

A handwritten signature in dark ink, appearing to be "Louis Stokes", written in a cursive style.

LOUIS STOKES  
Chairman

LS:gbd

APR 17 12 52 PM '78

ER



Washington, D. C. 20505

12 Dec 76

Honorable Louis Stokes  
Chairman, Select Committee on Assassinations  
United States House of Representatives  
Washington, D. C. 20515

Dear Mr. Chairman:

In a letter dated 9 December 1976 to a former Chairman of the Select Committee on Assassinations, the Honorable Thomas N. Downing, the former Director of Central Intelligence, Mr. George Bush, gave assurance that no records related to the Committee's investigations would be destroyed once the moratorium on the destruction of Agency records, invoked by the Church Committee, was lifted. Chairman Inouye of the Senate Select Committee on Intelligence, lifted the moratorium as of 21 December 1977.

In disposing of its records, CIA, like all Federal agencies, is subject to relevant provisions of Federal law. We have completed the records control schedules which are required by law and 21 of these 22 schedules have been approved by the Archivist of the United States. These schedules describe in some detail the Agency's files, govern the periods for which these files may properly be retained, and establish the timetable for their disposal. I should point out that once the Archivist approves these records schedules the disposition instructions and destruction schedules incorporated therein become obligatory upon the Agency under law.

We are most anxious to resume normal document destruction since the moratorium covered all Agency documents and this has created a tremendous administrative burden. My Legislative Counsel raised this subject with Mr. Blakey and he requested that a detailed discussion be deferred for another month when he contemplates that most of the review of CIA documents will be completed. Accordingly, at the end of March 1978, we will arrange for delivery of the schedules to you for Committee review and for a briefing of the Committee staff concerning the details contained in these records schedules. I am enclosing a copy of one of these schedules to illustrate that the records which are now being held are in the most part temporary in nature and are not in any way related to the matters your Committee is investigating.



I have also enclosed a copy of our recent Headquarters Notice, entitled CIA Records Destruction Policy. You will note that this destruction policy incorporates a number of safeguards against the destruction of records which may be pertinent to the needs of the Congress in general, and your Committee in particular.

We are planning to resume normal destruction on 1 May 1978 which should provide sufficient time for the Committee to complete its review of the schedules. It is my belief that this policy is fully responsive to the requirements of your investigation while enabling the Agency to comply fully with the requirements of the law.

Yours sincerely,

S.

STANSFIELD TURNER

Enclosures

CENTRAL INTELLIGENCE AGENCY  
WASHINGTON, D.C. 20505

OLC 76-1692/b

22 JUN 1976

Honorable Hugh Scott  
United States Senate  
Washington, D. C. 20510

(IDENTICAL LETTER SENT SEN. MANSFIELD)


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It is hoped that these arrangements are fully responsive to the wishes of you and the Senate Select Committee on Intelligence as outlined to me in your letter of 9 June and Chairman Inouye's letter of 8 June to you.

Sincerely,

  
George Bush  
Director

cc: Chairman Daniel Inouye  
Distribution:

Original - Addressee


1 - DCI

1 - DDCI

1 - ER

1 - 

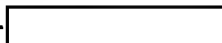
OLC/GLC/LLM:baa (21 Jun 76)

1 -  DOD

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1 - Review Staff

STATIN

STATIN



Approved For Release 2002/08/15 : CIA-RDP86-00895R000100010043-6



Washington, D.C. 20505

Executive Registry  
77-7896

18 JUN 1977

Honorable Daniel K. Inouye  
Chairman  
Select Committee on Intelligence  
United States Senate  
Washington, D.C. 20510

Dear Mr. Chairman:

Pursuant to our 22 June 1976 letters to Senators Mansfield and Scott, we have submitted to the Senate Select Committee on Intelligence copies of our 22 records control schedules. These schedules have also been submitted to the National Archives and Records Service (NARS), and the Archivist's approval, as required by law, has been received on nine schedules with the approval of the remaining 13 expected during July.

Before any records are actually destroyed in accordance with these schedules, the Select Committee Staff desires to review them after which they will again be reviewed here to establish that they are not related to actual or impending litigation, or to matters under investigation by the Department of Justice or Congress. In addition, records relating to pending Freedom of Information Act or Privacy Act requests to the Agency will be identified at the time of the request and flagged to indicate that they are the object of such an inquiry. These records are subject to additional retention periods established by the Archivist and included in the records control schedules. Accordingly, the records are either duplicated and segregated at the time of the request or, where the records are too voluminous for duplication to be practical, the flag which is applied at the time of the request allows them to be segregated subsequently from records in process for destruction according to the records control schedules.

As I am sure you are aware, the Agency is in a difficult situation in that the new records control schedules represent full compliance with the records disposition requirements of Title 44, U.S.C.; therefore, we cannot dispose of any records until the new schedules are implemented. At the same time, we cannot act on the approved schedules until the Select Committee establishes its review procedures. So far we have accumulated disposable records estimated to total between six and nine thousand cubic feet. The continued maintenance of these inactive records approved for destruction is creating serious space and handling problems throughout the Agency.

With full realization and understanding of the impact this review presents to your organization, I would appreciate any action you could initiate to expedite the Committee's development of procedures for the clearance of the records approved for destruction. Your personal cooperation in this matter will be greatly appreciated.

Y  
Yours sincerely,

/s/ Stansfield Turner

STANSFIELD TURNER

Distribution:

Original - Adse

1 - DCI

1 - DDCI

1 - ER

1 - OLC

1 - OGC

2 - DDA

1 - DDA/ISAS

STATINTL ORIGINATED BY:  C/ISAS (19 May 1977)

Rewritten 24 May 1977

Rewritten 8 June 1977

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Executive Registry

16-9253/2

066-77-5740

SELECT COMMITTEE ON INTELLIGENCE

(PURSUANT TO S. RES. 40, 87TH CONGRESS)

WASHINGTON, D.C. 20510

December 21, 1977

IN REPLY PLEASE  
REFER TO Q#1237

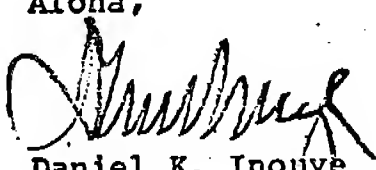
Admiral Stansfield Turner  
Director  
Central Intelligence Agency  
Washington, D. C. 20505

Dear Admiral Turner:

On <sup>June 9,</sup> ~~July 17,~~ 1976 I requested that the moratorium on destruction of intelligence and investigative records originally requested by Senators Mansfield and Scott be extended through December 17<sup>th</sup>, 1976. No further extensions have been formally requested. Therefore, all agencies maintaining records pursuant to the moratorium may return to normal records destruction policies.

I would request that any changes in records maintenance or destruction procedures affecting intelligence or investigations which have been promulgated since the moratorium was instituted as well as any future changes in procedures be brought to the attention of the Senate Select Committee on Intelligence.

Aloha,

  
Daniel K. Inouye  
Chairman

Washington, D. C. 20505

DEC 1976

Honorable Thomas N. Downing, Chairman  
Select Committee on Assassinations  
House of Representatives  
Washington, D. C. 20515

Dear Mr. Chairman:

STATINTL [redacted] of my staff, has relayed to me the interest of your Chief Counsel, Mr. Richard Sprague, that records related to the investigation of the deaths of John F. Kennedy and Martin Luther King, Jr. not be destroyed once the "moratorium" on the destruction of Agency records is lifted. Let me assure you that there is no cause for concern.

The "moratorium" was imposed on the destruction of CIA records in 1975 during the investigation by the Senate Select Committee to Study Governmental Operations with Respect to Intelligence Activities and will expire on 10 December 1976. At that time regular document destruction will begin in accordance with records control schedules approved by the Archivist of the United States and subject to review by the Senate Select Committee on Intelligence. The Agency's policy in regard to the lifting of the destruction "moratorium" and the application of records control schedules to the orderly disposition of Agency records was published in the Federal Register, a copy of which is enclosed.

It is CIA's policy to fully support investigative bodies of the Executive, Legislative, or Judicial Branch, and we will continue to do so. Once the "moratorium" is lifted, we will destroy no materials which would appear to relate to your investigations or be of interest to your Committee. Further, we will make available for your review the lists for disposition of records prepared for the Archivist at the same time these lists are submitted to the Senate Select Committee on Intelligence. Material designated for destruction in the lists will not be destroyed until your Committee notifies the Agency that it has completed its review, and has no objection. To date, 15 lists have been furnished to the Senate Select Committee and they will be made available for your review immediately.

I assure you that no documents which we are aware of as being related to your investigation will be destroyed.

Sincerely,

~~SIGNED~~

George Bush

Enclosure

Distribution:

Orig. - Addressee w/encl.

1 - DCI w/encl.

1 - DDCI wo/encl.

1 - DDO w/encl.

✓ 1 - DDA [ ] w/encl.

1 - OGC w/encl.

1 - IG w/encl. OLC/Subj. w/encl.

1 - ER w/encl. OLC/Chrono wo/encl.

OLC:PLC:dla (typed 7 December 1976)

STATINTL